



Davis Graham & Stubbs LLP

September 2, 2005

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**Via Hand Delivery**

Mr. Eric Johnson  
U.S. Environmental Protection Agency  
Region 8 8ENF-T  
999 18<sup>th</sup> Street, Suite 300  
Denver, CO 80202-2466

RE: Hecla Mining Company Apex Site (EPA ID No. UT982589848, Docket No. RCRA-8-99-06) – Notice of Force Majeure

Dear Mr. Johnson:

I am writing pursuant to paragraph 95 of the Administrative Order on Consent (“AOC”) in the above-referenced matter to follow up on verbal notification provided to you on August 26, 2005, by Chris Gypton of Hecla Mining Company (“Hecla”) of a force majeure event that impacts Hecla’s obligations under the AOC.

The delay or cause of delay in complying with Hecla’s obligations under the AOC is another notification Hecla received from the Bureau of Indian Affairs on behalf of the Shivwits Band of the Paiute Indian Tribe of Utah (the “Shivwits Band”) in a letter dated August 25, 2005 (copy enclosed). See our prior correspondence and notice of force majeure to you of July 19, 2005.

Hecla remains uncertain of the length of the delay caused by this force majeure and is reviewing all of its options to minimize the delay. Hecla cannot reasonably estimate the length of time that will be necessary ultimately to resolve this matter with the Shivwits Band. However, we can assure you that Hecla will take every reasonable measure to minimize the delay, and to continue with final closure of Pond 2, but will not put its personnel or contractors in a position of being challenged regarding access to the leased premises at the Site by representatives of the Shivwits Band or the Bureau of Indian Affairs.

John R. Jacus . 303 892 7305 . john.jacus@dgsllaw.com

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Thank you for your attention to this matter. Please let me know if you have any questions.

Very truly yours,

*John R. Jacus* *by Ocm*

John R. Jacus

for

Davis Graham & Stubbs LLP

cc: Glenn Rogers – Shivwits Band (via U.S. Mail)  
John Krause – BIA (via U.S. Mail)  
Deborah Hamlin – BIA (via U.S. Mail)  
Michael White, Esq. – Hecla (via U.S. Mail)  
Chris Gypton – Hecla (via U.S. Mail)  
Amy Swanson, Esq. – U.S. EPA Region 8 (via U.S. Mail)